

**CITY OF BROKEN ARROW  
MINUTES OF  
BOARD OF ADJUSTMENT  
REGULAR MEETING  
September 10, 2012, 5:00 p.m.**

1. The Board of Adjustment Agenda for this meeting was posted at 9:20 a.m. August 8, 2012, on the City Hall Bulletin Board, 220 South First Street, Broken Arrow. The Broken Arrow Board of Adjustment met in a regular meeting in the City Council Chambers at City Hall on Monday, September 10, 2012, at 5:00 p.m.

2. Present: Archer Honea, Chairperson  
Ralph Crotchett, Vice Chairperson  
Stanley Evetts, Member  
Randall Cherry, Member

Absent: Dick Baze, Member

Staff Present: Lesli Myers, Asst City Attorney  
Farhad K. Daroga, City Planner  
Brent Murphy Asst City Planner  
Joyce Snider, Administrative Asst  
Marcae' Hilton, Planning Intern

3. The Board considered the minutes of the regular Board of Adjustment meeting held June 11, 2012.

**Motion** by Randall Cherry to approve the minutes of the meeting held June 11, 2012, as presented. The motion was seconded by Stan Evetts.

Yes: Cherry, Evetts, Crotchett, Honea

No: None

**Motion approved**

4. The Board considered BOA 702, 0.20 acres, 1 lot, R-2, request for a variance to reduce the side yard building setback line on the north side of the property from 5 feet to 3 feet and to reduce the side yard building setback line on the south side of the property from 10 feet to 8 feet, one-quarter mile south of New Orleans Street (101<sup>st</sup> Street), west of Aspen Avenue (145<sup>th</sup> East Avenue) at 4017 South Chestnut Avenue. Brent Murphy presented the background, saying BOA 702 involves a single family residential property within the Canterbury Amended subdivision. He said there is an existing one-story, single-family residential structure with a two-car garage and driveway on the property. The property is zoned R-2, which requires side yard setbacks of five feet on one side and ten feet on the other, for a combined total of 15 feet.

4. continued

Mr. Murphy said that on May 23, 2012, City of Broken Arrow staff received a complaint that a carport structure had been built close to the property line on the subject property. A code enforcement officer investigated and discovered that a carport had been constructed close to the north property line at 4017 South Chestnut Avenue without a building permit. On June 7, 2012, a letter was sent to the property owner informing them that they were in violation of the Broken Arrow Zoning Ordinance and building codes for building without a building permit and for the structure not being in compliance with the setback requirements.

Mr. Murphy indicated that on June 26, 2012, a meeting was held with the property owner and her father to discuss the options available to bring the structure into compliance. During the meeting with Staff, the applicant informed Staff that the property owner has health issues and that they had the carport constructed to provide shelter during bad weather. The property owner was under the impression that the contractor was obtaining the building permit and was not aware that one had not been obtained.

Mr. Murphy said, according to a survey submitted by the applicant that was prepared in 2004, the northeast corner of the existing residential structure is located 8.4 feet from the north property line and the southeast corner is located 8.9 feet from the south property line. He said in the R-2 district, one of the side yards must be at least ten feet in width. Therefore, the existing structure was not in compliance with the setback requirements of the R-2 district even before the carport was constructed.

Mr. Murphy said that, according to a drawing submitted by the applicant, the carport is presently located one foot – six inches from the north property line. The property owner has agreed and proposes to relocate the existing poles or columns supporting the carport to be at least three feet from the property line. As a result, they are requesting a variance to reduce the building setback line on the north side of the property from five feet to three feet and are also requesting a variance to reduce the south side yard setback from ten feet to eight feet.

Mr. Murphy said for a variance to be granted, there are six conditions that must be found by the Board of Adjustment and Staff is of the opinion that those conditions have been met. He said Staff recommends that the request for a variance to reduce the side yard setback requirement from the south property line from ten feet to eight feet and the variance request to reduce the side yard setback requirement from five feet to three feet meet the six conditions required for the Board to grant a variance. He said Staff recommends that BOA 702 be approved subject to the following conditions:

1. The variance to reduce the side building setback line from ten feet to eight feet from the south property line shall be only for the existing structure. Any future additions to the house shall meet the setback requirements of the Zoning Ordinance from the south property line.
2. All poles for the carport structure shall be relocated to be at least three feet or more from the north property. A request for a building permit shall be submitted prior to the post being relocated. The variance to reduce the side building setback line from five feet to three from the north property line shall be only for the carport. Any future additions shall meet the setback requirement of the Zoning Ordinance from the north property line.

There were no protestants present.

4. continued

Donna Fritz, the applicant, 4017 South Chestnut Avenue, explained that the reason for this request is that she is disabled and the carport enables her to go to and from her car safely in bad weather. She said neighbors on either side of her and across the street have expressed their approval of the carport, saying it was an improvement. She read her proposal to remedy the problem and the movement of the poles supporting the carport was discussed.

Don Fritz, 3801 South Dogwood Avenue, read a statement outlining the history of his daughter's physical condition that prompted the construction of the carport and reviewed the present situation. He said it was very difficult for his daughter to go back and forth to her car in inclement weather.

The applicants said that two brothers, Chris and Rob Hardlaw, were the contractors and they were supposed to make arrangements for the permit.

Archer Honea asked why the garage was unusable for vehicles. Ms. Fritz said it had been made into a game room, which has a pool table. The legality of the height of the fence was discussed and Staff clarified that it was legal.

**Motion** by Ralph Crotchett to approve BAL 702 as recommended by Staff. The motion was seconded by Stan Evetts.

Yes: Cherry, Evetts, Crotchett

No: Honea

**Motion approved.**

5. **REMARKS, INQUIRIES AND COMMENTS BY BOARD MEMBERS AND STAFF (NO ACTION)**

Mr. Daroga introduced Marcae' Hilton, the new part time Planner, who has been hired as an intern. He also said that Staff would return later in the year with the 2013 calendar which would have the same meeting dates and time unless the Board wishes otherwise.

6. **ADJOURNMENT**

**Motion** at 5:25 p.m. by Stan Evetts to adjourn. The motion was seconded by Randall Cherry.

Yes: Cherry, Evetts, Crotchett, Honea

No: None

**Motion approved.**